IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL JURISDICTION.

CRIMINAL WRIT PETITION NO. 1671 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R. S. Desai for the petitioner.

Mr. A.M. Shringarpure, A.P.P.for the State

CORAM : S.S.PARKAR AND
ANOOP V. MOHTA, JJ.

DATE : 24.8.2005

. Heard both sides. This petition is filed seeking renewal of Gun licence of petitioner, which was cancelled by the order dated 31/12/1996 and for return of weapon seized from the petitioner.

2. The petitioner was holding Gun Licence. The Gun was seized in a criminal case, in

which the petitioner was involved for the offences under sections 147, 149, 324, 337 and 506(2) of Indian Penal Code. The prosecution resulted in acquittal of the petitioner in case No.604 of 1994, tried by the Judicial Magistrate F.C., 1st Court, Thane, by order dated 12/3/2004. By the said order of acquittal the muddemal property being the licensed Gun and the licence was directed to be returned to the owner, after the period of appeal was over. In the meantime, in the year 1996 the licence of the petitioner was cancelled on the ground that the petitioner was involved in a criminal case. Against the said order the appeal is preferred to the Government, being Appeal No.ALS-0697/A-37/ Pol/-9, which is still pending. In the meantime, the petitioner

has also applied for return of the gun, which was seized and the licence, which was cancelled. The Commissioner of Police, Thane by his letter dated 29th June, 2005 rejected the application for return of the Gun on the ground that the licence was cancelled in December, 1996 and therefore, he would have to make new application as per rules. That order is under challenge in this petition.

3. Mr. Desai, appearing for the petitioner, states that the appeal filed in the year 1996 against the order cancelling the licence is still pending with the Government and has not been disposed of so far. In our view, since the appeal is pending, this petition cannot be entertained. Mr. Desai seeks direction that

the appeal which is pending with the Government should be disposed of early.

4. Mr. Shringarpure,A.P.P., appearing for the respondents states that the Government may be given 8 weeks' period to dispose of the appeal. In view of the above statement, Mr. Desai does not press this petition.

5. The Respondent-Government is directed to dispose of the Appeal No. ALS-0697/A-37/Pol-9, within a period of 8 weeks from today, as stated by the A.P.P. This petition is disposed of accordingly.

(S.S. PARKAR, J.)

(ANOOP V.MOHTA,J.]